FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5406 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Shri Jaydeep Deo i/by P.K. Dhakephalkar for the petitioner.

Coram : R.S.Mohite,J

Date : 25.11.2005.

PC

1. This is a petition seeking the quashing of an order passed by the 3rd Jt.Civil Judge, J.D.,Pune on 5.8.2003 below Exh.122 in R.C.S.No.1261/1987, by which the trial Court has refused to strike out the defence of the defendants on the ground that answers to interogatories made under order 11 Rule 1 of C.P.C. were not given. On perusal of the questions, it appears that all the questions which were put

pertained to agreements which were not exhibited when the plaintiff led his evidence. The power of attorney holder of defendant no.1 objected to give answers to such interogatories on the ground that the agreements have not been exhibited. When the plaintiff has failed to prove these documents, it cannot be said that the same were relevant. In the circumstances, in my view, the non answering to the interogatories cannot be made a ground for striking out the defence of defendant no.1 specially when plaintiff himself has failed to prove these documents. No substance in the petition. Rejected.

(R.S.Mohite,J)